

1. (Currently amended) A shot shell having first and second ends and a length, comprising:

a compressible portion situated at said first end of said shot shell;

whereby, upon loading said shot shell into a magazine of a firearm, said compressible portion compresses so as to decrease the length of said shot shell, thereby increasing the magazine capacity of said firearm, thereby providing a compressed shot shell; and

whereby, upon removing said compressed shot shell from the magazine of the firearm, said compressible portion un-compresses to increase the length of said shot shell so as to prevent jamming of the firearm.

2. (Currently amended) The shot shell of Claim 1, whereby said compressed shell un-compresses upon removal from the magazine to increase the length of said shot shell as it is being loaded into a firing chamber of the firearm upon removing ~~loading said compressed shot shell from the magazine of the firearm, said compressible portion un-compresses so as to increase the length of said shot shell, so as to prevent jamming of said firearm.~~

3. (Currently amended) The shot shell of Claim 1, wherein said shot shell has a load end wherein a load is situated, and wherein said compressible portion is removably adhered to said load end of said shot shell.

4. (Original) The shot shell of Claim 3, wherein said compressible portion is ejected from said firearm with said load when said shot shell is fired from said firearm.

5. (Original) The shot shell of Claim 4, wherein said compressible portion comprises a spring.6. (Original) The shot shell of Claim 5, wherein said spring is crimped to said shell.

7. (Original) The shot shell of Claim 5, wherein said shot shell further comprises a shot cover, and wherein spring is engaged to said shot cover.

8. (Original) The shot shell of Claim 5, wherein said shot shell further comprises a wad, and wherein said spring is engaged to said wad.

9. (Original) The shot shell of Claim 5, wherein said spring is a helical spring.

10. (Original) The shot shell of Claim 5, wherein said spring is an air spring.

11. (Original) The shot shell of Claim 5, wherein said spring is a foam spring.

12. (Original) The shot shell of Claim 5, wherein said spring is formed of a polymer.

13. (Original) The shot shell of Claim 5, wherein said spring is formed of a plurality of folds from a material having a memory bias so that it is compressible when longitudinal bias is applied thereto, but un-compresses to a predetermined length upon the cessation of longitudinal bias.

14. (Currently amended) The shot shell of Claim 1 2, wherein said shot shell has a load end wherein a load is situated, and wherein said compressible portion is emanates from said load end of said shot shell.

15. (Original) The shot shell of Claim 14, wherein said compressible portion has an inner diameter through which passes said load upon firing of said shot shell.

16. (Original) The shot shell of Claim 15, wherein said compressible portion comprises a spring. 17. (Original) The shot shell of Claim 16, wherein said spring is formed of a polymer.

18. (Original) The shot shell of Claim 17, wherein said spring is formed of a plurality of folds from a material having a memory bias so that it is compressible when longitudinal bias is applied thereto, but un-compresses to a predetermined length upon the cessation of longitudinal bias.

19. (Original) The shot shell of Claim 16, wherein said spring is a helical spring.

20. (Original) The method of increasing the capacity of a firearm having a magazine, comprising the steps of:

- a. providing a shot shell having a length and a first end having a compressible portion;
- b. loading said shot shell in said magazine;
- c. compressing said compressible portion of said shot shell so as to decrease the length of said shot shell, providing a compressed shell.

21. (Original) The method of claim 20, wherein after step "c." there is further provided the additional step "d." of repeating steps a.-c. until said magazine is full.

22. (Original) The method of claim 21, wherein after step "d." there is further provided the additional step "e." of removing said compressed shell from said magazine, uncompressing said compressed shell to form an un-compressed shell of greater length than said compressed shell, and loading said un-compressed shell into the firing chamber of said firearm, providing a loaded shell.

23. (Original) The method of claim 22, wherein after step "e." there is further provided the additional step "f." of firing said loaded shell so as to eject said compressed portion through the barrel of said firearm.24. (Original) The method of claim 22, wherein after step "e." there is further provided the additional step "f." of firing said loaded shell such that the load of said shell passes through the inner diameter of said compressed portion, providing a fired shell, thereby maintaining said compressed portion with said fired shell.

25. (new) The shot shell of claim 10, wherein said air spring comprises a compressible air pocket.

26. (new) The shot shell of Claim 11, wherein said foam spring comprises a compressible piece of foam.

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## COMMENT

Claims 14-24 have been allowed, claims 1-3 have been rejected under 35 U.S.C. 102(b), and claims 4-13 were objected to as being dependent upon a rejected base claim, but were indicated as otherwise allowable if re-written in independent form including the limitations of the base claim.

Claims 1-3 and 14 have been amended, and dependent claims 25-26 are new, having just been added. Please find attached a check for \$18.00 for the two new dependent claims. Claims 1-26 remain in the case.

The Examiner rejected claims 1-3 under 102(b) Lee et al (5,284,274). Lee teaches a "Toy Water Gun" including capsules for containing water, which were filled with water then loaded into a "magazine tube" where the capsules are "held snugly in place between a compressed spring 60 and a backstop". (Col 4, lines 37-42).

Nowhere is it indicated or illustrated in Lee that the water filled capsules are compressed when placed in the magazine. Such would be contrary to the laws of physics, as it is well known that a water filled container will not compress, as liquid water is, as a practical matter, not compressible.

The Examiner cites Column 4, lines 15-25 with the assertion that the compressible portion (quoting the Examiner) "is capable of being compressed so as to decrease the length of the shot shell, thereby increasing the magazine capacity of said firearm..", but said lines 15-25 in the Lee reference do not describe this combination, but rather teach that the refillable capsule is to be filled with water prior to insertion into the magazine, and care must be made to "prevent air from entering the capsule to displace the water. . ." (Col 4, line 24-25), further evidencing that the container is completely filled with liquid and thereby would not be compressible. The only way to decrease the length of the water-filled capsule in Lee would be to remove the water, but to remove the water from the capsule while it is in the magazine would be contrary to the teachings of Lee as the device would no longer function (the illustrated water gun).

Compression of liquid filled capsules in the magazine is not discussed or suggested in the Lee patent, nor is any other method of reducing the length of the water capsule(s) for increasing capacity, then increasing the length once removed to prevent jamming. There is no showing of compression or shortening of the capsule upon their being placed into a magazine, nor is there a showing of lengthening of the capsule(s) upon removal from such magazine while they are being loaded into the breech or firing chamber.

Under 102 (b), the cited reference must teach with specificity the claimed invention rendering said claimed invention no longer novel. Without specific teachings to enable one of

ordinary skill to practice the claimed invention, there is no 102(b) reference. As Lee does not teach, contemplate or suggest the claimed invention, it is respectfully requested that the Lee reference be removed and claims 1-3 allowed..

To better define the invention of claim 1, the claim has been amended to read:

1. (Currently amended) A shot shell having first and second ends and a length, comprising:

a compressible portion situated at said first end of said shot shell;

whereby, upon loading said shot shell into a magazine of a firearm, said compressible portion compresses so as to decrease the length of said shot shell, thereby increasing the magazine capacity of said firearm, thereby providing a compressed shot shell; and

whereby, upon removing said compressed shot shell from the magazine of the firearm, said compressible portion un-compresses to increase the length of said shot shell so as to prevent jamming of the firearm.

It is now believed that the claims are in condition for allowance, and applicant hereby respectfully requests same.

If additional issues remain, and the Examiner is of the opinion that same could be resolved by telephone or examiner amendment, the undersigned respectfully requests same at (985) 845-0000:

Respectfully submitted,

  
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#### CERTIFICATE OF MAILING

I HEREBY CERTIFY that the present document was deposited in the US Mail, First Class, postage prepaid and properly addressed to the Commissioner of Patents PO Box 1450, Alexandria VA 22313-1450, this 7<sup>th</sup> day of MAY, 2004.

  
Joseph T. Regard